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HR 0-9551

Approved For Release 2001/09/03 : CIA-RDP84-00709R000400070041-7
UGC HAS REVIEWED.

The Director of Central Intelligence

23 March 1950

General Counsel

Audit Exception No. 343 - [REDACTED]

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1. Reference is made to the attached file concerning the above subject. You request comments of this office regarding the same.

2. Our previous opinion, dated 27 October 1949, was concerned with the application of the Confidential Funds Regulations to the particular voucher involved. As indicated in that memorandum, the facts in the case as presented necessarily required an opinion by this office that the travel expenses to Washington, D. C. from [REDACTED] on 17-18 February 1947, together with per diem while here, were not properly payable.

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3. Upon reviewing the case, certain facts stand out:

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a. The contention that [REDACTED] was brought to Washington specifically for training for overseas assignment in [REDACTED] is not completely supported by the record as Mr. [REDACTED]'s original request of 28 January 1947 to [REDACTED] for employment stated that for specific reasons Mr. [REDACTED] was to be considered primarily for domestic employment.

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b. Therefore, [REDACTED]'s assignment, on 24 February 1947, to a departmental position on vouchered funds seems in accord with Mr. [REDACTED]'s request and does not appear to have been merely an expedient since no other slot was then available. Note that according to Mr. [REDACTED]'s memorandum of 15 March 1949 Mr. [REDACTED] had carte blanche to staff South America and had no need for such expedients.

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c. There is no contravention of the assertion that [REDACTED] at no time performed the duties of a departmental position but at all times was in training for a field position initially unknown as to exact assignment.

d. It is evident from the file that the officials concerned at the time were under considerable pressure to get a job done and that plans were changing constantly to meet emergency conditions. It is doubtful at this time whether a more complete factual story could be developed.

5. We are faced, therefore, with inconsistency between the record, which indicates intent to employ in a departmental position, and the facts, as recorded by the various officials involved, which indicate employment for overseas assignment. A final administrative finding of fact is required to resolve this discrepancy. In view of the record, we feel such a finding must be by the Director.

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6. We feel that it is quite possible that the original intent was departmental employment as stated in the request of 28 January 1947. Between that date and the date when travel started, it may well be that the Branch plans changed and, in spite of Mr. ~~Stewart~~ lack of certain qualifications, it was determined to give him an overseas assignment. Failure to inform all interested officials of this change, plus what might be termed normal administrative inertia, may then have led to the departmental appointment on vouchered funds. If it were found, administratively, that the above possibilities reflect the actual situation, there would be no legal objection to approval by the Director of the recommendation from AEC, dated 15 March 1950.

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LAWRENCE R. HOUSTON

Encl:

Memo to DCT, 20 Mar 50
re subject, fr Exec.
w/attachments

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cc: Subject
✓ Legal Decision
✓ Chrono

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